

CHRIS
FIELD

LST-1166

RECORDS TO RELEASE
UNDER FOIA

- SUBJECT TO ORC
REVIEW

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector Columbia River

2185 SE 12th Place
Warrenton, Oregon 97146
Staff Symbol: S
Phone: (503) 861-6200
Fax: (503) 861-6355
Email: bruce.c.jones@uscg.mil

16450

JAN 31 2012

Dennis McLerran, Regional Administrator
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: Termination of Coast Guard Removal Actions on LST-1166 (Ex-USS WASHTENAW COUNTY)

Dear Mr. McLerran,

I am writing to inform you that I am terminating the Coast Guard's removal action on LST-1166 (Ex-USS WASHTENAW COUNTY). I am doing so because removal action is no longer appropriate under 40 CFR 300.415 because, among other reasons, there is no longer any immediate risk to public health or welfare of the United States or the environment. Accordingly, control of LST-1166 will be returned to the ship's owner on January 31, 2012 and federal projects S07052 and C07158 will be closed.

LST-1166 could pose such a threat in the future due to illegal dumping and/or other illegal activity that could take place on the ship because of its remote location. Additionally, the PCB contaminates and lead paint that remain onboard could warrant EPA taking remedial action. I recommend that EPA conduct a remedial site evaluation and assess the vessel for the National Priorities List.

Sincerely,

B. C. Jones 1/31/12

B. C. Jones
Captain, U. S. Coast Guard
Commander, U.S. Coast Guard Sector Columbia River
Federal On-Scene Coordinator

Copy: Oregon DEQ

U.S. Department of
Homeland Security

United States
Coast Guard



Commanding Officer
United States Coast Guard
Sector Columbia River

2185 SE 12th Place
Warrenton, OR 97146
Phone: (503) 861-6200
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Email: bruce.c.jones@uscg.mil

16465

JAN 31 2012

Mr. Dick Pedersen, Director
Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390

Dear Mr. Pedersen:

I am writing in response to your letter of September 22, 2011 regarding the USS WASHTENAW COUNTY (LST-1166).

The Coast Guard issued a Notice of Federal Assumption on July 11, 2008 to notify Mr. Walt James that the Coast Guard would conduct all response/removal activities to remove the pollution threat from the LST 1166. Subsequently, the Coast Guard has removed approximately 40,000 gallons of fuel, oil, and oily water, 8,000 pounds of oily waste, 5,000 gallons of Polychlorinated biphenyl (PCB) oil, 350,000 pounds of PCB-contaminated solids, 5 pounds of Mercury, 4 pounds of hypodermic needles, and 120 cubic yards of friable asbestos from the vessel.

Over ten days during November and December 2011, I requested and received additional funding from the National Pollution Funds Center to reassess the vessel; during this time residual oil found floating in waters below decks was removed; 16 patches were applied to the vessel; access points were welded shut and the stern access ladder was removed to create obstacles to future illegal activities aboard the vessel.

At this time, as verified during an on-site assessment I conducted with my staff and yours on December 1, 2011, there remain only very negligible amounts of oily water contained in the lower deck of the vessel, and small amounts of PCB and lead concentrations bound in solids in the vessel's paint, and PCB concentrations bound in solids in wire insulation. A small amount of floating residual oil remains on the flooded lower decks and has a PCB level of 1.97 or parts per million (ppm). Under TSCA regulation this is considered non-PCB as it is below 50 ppm.

The Coast Guard sponsored an Engineering Evaluation and Cost Analysis (EECA) on the LST 1166, completed by the Environmental Protection Agency (EPA) in July 2011, to compare alternate disposition measures for the vessel, to include sealing and securing the vessel in place, disposal at sea, and dismantling and recycling either in place or at a facility. A copy of that EECA was provided to your staff during our meeting on December 13, 2011 and is also included as an enclosure with this letter.

After thoroughly reviewing the EECA and consulting with involved agencies, and numerous subject matter experts to include the NOAA Office of Response and Restoration, Coast Guard District Thirteen Regional Response Team Chair, and Coast Guard District Response Advisory Group, I have determined the oil pollution and other hazardous materials that remain on board do

not pose a imminent or substantial threat of pollution to the marine environment or public, nor do they justify the substantial estimated costs of disposal of the vessel at sea or at a facility.

As Federal On-Scene Coordinator for the LST 1166, I balance my responsibilities as a steward of both the environment and the resources available through the Oil Spill Liability Trust Fund (OSLTF) and CERCLA Superfund. My staff has collaborated and consulted with Oregon's assigned State On-Scene Coordinator since the initial response in 2007-08 to consider the State's opinions and recommendations for the best way forward with respect to this vessel, and I thank you and your staff for your exceptional teamwork in addressing this and other derelict vessels.

Should the State wish to pursue this case further as a remediation site, a request should be submitted to the Environmental Protection Agency as per 40CFR300.515 to add the LST1166 onto the National Priorities List and request CERCLA funding for its remediation.

I understand that the continued presence of LST 1166 on submerged state lands is cause for concern. My staff and I will continue to work with your staff and other stakeholders, through the auspices of the Derelict Vessel Task Force, to address the difficult public policy problems exemplified by this vessel and other derelict vessels in our region.

Sincerely,

 1/31/12

B. C. Jones
Captain, U. S. Coast Guard
Federal On-Scene Coordinator

Enclosures: (1) Engineering Evaluation and Cost Analysis (EECA) For the Former USS
WASHTENAW COUNTY (LST-1166)
(2) Coast Guard Thirteenth District Response Advisory LST-1166 Operations
Completion Consideration

Copy: Chris Field, U.S. EPA
Dale Jensen, WA DOE
RADM Keith Taylor, USCG D13

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector Columbia River

2185 SE 12th Place
Warrenton, OR 97146
Phone: (503)861-6200
Fax: (503) 861-6355
Email: bruce.c.jones@uscg.mil

5050

JAN 31 2012

LST-1166, LLC
c/o Walt W. James
17376 SW Clearwater Ct.
Beaverton, OR 97006

Dear Mr. James,

On July 11, 2008, the Coast Guard issued a Notice of Federal Assumption for the USS Washtenaw County, LST 1166, to notify you that the Coast Guard would conduct all response/removal activities to remove the vessel's pollution threat. Subsequently, the Coast Guard removed approximately 40,000 gallons of fuel, oil, and oily water, 8,000 pounds of oily waste, 5,000 gallons of Polychlorinated biphenyl (PCB) oil, 350,000 pounds of PCB-contaminated solids, 5 pounds of Mercury, 4 pounds of hypodermic needles, and 120 cubic yards of friable asbestos.

At this time there remains some oily water contained in the lower deck of the vessel as well as PCB and lead concentrations in the vessel's paint and PCB concentrations in the wire insulation.

The Coast Guard also sponsored an Engineering Evaluation and Cost Analysis on the LST1166 completed by the Environmental Protection Agency in July 2011 to determine the most appropriate disposition measures of this vessel to include sealing and securing the vessel in place, disposing the vessel at sea, and dismantling and disposing the vessel at a facility. After a thorough review of the Engineering Evaluation and Cost Analysis, I have determined the pollution and hazardous materials that remain on board do not pose a substantial or imminent threat of pollution to the marine environment or public. Accordingly, control of the LST-1166 is hereby turned back to you and the Coast Guard federal project is closed.

I highly encourage you to take action to ensure the LST 1166 does not pose a renewed threat of discharge due to the deterioration of its material condition, or due to the reasonably foreseeable actions of third parties trespassing aboard the vessel. Should I determine in the future that your vessel poses a substantial threat of discharge of oil or hazardous substances into the marine environment, then you will be once again be held financially responsible for any further response, removal, or remediation activities that are necessarily performed to mitigate the threat.

Sincerely,

Bruce C. Jones 1/31/12
B. C. JONES

Captain, U.S. Coast Guard
Sector Columbia River
Federal On-Scene Coordinator

Copy: Chris Field, U.S. EPA
Dick Pedersen, OR DEQ
Dale Jensen, WA DOE
RADM Keith Taylor, USCG D13



16450

JAN 31 2012

Bruce Jones 1/31/12
From: CAPT Bruce Jones, USCG Federal On-Scene Coordinator

To: CGDI3

Subj: DECISION MEMORANDUM – USS WASHTENAW COUNTY LST 1166

Executive Summary

On July 11, 2008, the Coast Guard issued a Notice of Federal Assumption for the USS Washtenaw County LST 1166 to notify the vessel (in care of Mr. Walt James) that the Coast Guard would conduct all response/removal activities to remove the vessel's pollution threat. Subsequently, the Coast Guard has removed approximately 40,000 gallons of fuel, oil, and oily water, 8,000 pounds of oily waste, 5,000 gallons of Polychlorinated biphenyl (PCB) oil, 350,000 pounds of PCB-contaminated solids, 5 pounds of Mercury, 4 pounds of hypodermic needles, and 120 cubic yards of friable asbestos.

Over ten days during November and December 2011, I requested and received additional NPFC funding to reassess the vessel; during this time residual oil found floating in waters below decks was removed, 16 patches were applied to the hull, access points were welded shut, and the stern access ladder was removed to create obstacles to future illegal activities aboard the vessel. At this time there remains a negligible amount of residual oil in water contained in the lower deck of the vessel, as well as low PCB and lead concentrations in solids in the vessel's paint and PCB concentrations in solids in wire insulation.

In July 2011, the Environmental Protection Agency (EPA) conducted an Engineering Evaluation and Cost Analysis (EECA) on the LST 1166 for the Coast Guard to compare alternate disposition measures of this vessel to include sealing and securing the vessel in place, disposing the vessel at sea, and dismantling and recycling the vessel. Costs on 4 disposal options ranged from \$800K to leave in place and "button up", between \$3-\$4M to clean and dispose at sea, and \$4M to recycle.

Upon review of the EECA, my own inspection of the LST 1166 earlier this month with OR DEQ staff, and in consultation with numerous subject matter experts to include the NOAA Office of Response and Restoration, Coast Guard District Thirteen Regional Response Team Chair, Coast Guard District Response Advisory Group, I have determined that the lowest practicable level of contamination has been reached for this emergency removal. As such, the pollution and contaminants that remain on board the vessel do not justify the substantial projected costs of further action. Therefore, I intend to close the Coast Guard federal action on this vessel and return responsibility to the owners.

Project Background:

The 420-foot LST-1166 was last used by the US Navy in the Vietnam War. Late in the war, its lower voids were filled with foam and it was used to help clear the U.S.-laid mines from Haiphong harbor. After the war (1973) it was removed from the U.S. Navy and sold to a Costa Rican shipping company. The vessel arrived in the Columbia River in 1980 as a deadship tow, and was sold to a local resident who initially intended to use it commercially. He committed suicide and the ship passed to his daughter. The Coast Guard became involved when it was clear that this vessel was in poor condition and had a significant inventory of fuel and lube oil aboard; Sector Portland insisted that the owners obtain a Certificate Of Financial Responsibility. It was taken to Gunderson shipyard for repairs, and some (not all) fuel was removed.

The vessel is currently owned by USS Washtenaw County - LST-1166, LLC a defunct non-profit organization which purchased the vessel with the intent of converting it to a maritime museum. In 2002, the vessel was towed to its current location and some refurbishing was conducted; however, conversion to a maritime museum was not successful.

The company was administratively dissolved on August 4, 2006, reinstated on September 24, 2007, and administratively dissolved again on August 8, 2008. USCG Sector Portland issued three Administrative Orders and a Captain of the Port (COTP) order to the owners for environmental cleanup and mitigation of the potential threats from the vessel, but the owner did not comply with the orders. The Certificate of Financial Responsibility (COFR) Guarantor for the vessel, Lloyd's of London, cancelled the COFR as of February 7, 2008, after a request to dispose of the vessel at sea under the EPA general permit for transportation and disposal of vessels was denied based on contaminants aboard the vessel. The owners have been unresponsive and unable to conduct a cleanup of the vessel. The current owner, USS Washtenaw County - LST-1166, LLC is, for all intents and purposes, financially defunct.

The vessel has become an attractive nuisance since being moored at its present location, and presents problems for local, state, and federal agencies. Trespassing aboard the vessel appears to have begun in 2004. Reports of vandalism, illegal methamphetamine activity, illegal dumping of waste oil and stripping and theft of metal, wiring, piping, hatches and valves have since occurred. Deck floors throughout are deteriorated, there is no electrical lighting available, and there are safety dangers due to dark spaces and open hatches.

USCG, in response to the owner's non-compliance with the Administrative Order to remove the pollution threat, conducted pollution removal activities from July 2008 to January 2009 and hired contract security to keep vandals off the vessel through May 2010.

Since 2009, the LST-1166 hull has continued to deteriorate and the vessel has taken on water from a leaking seal. The LST required 136 temporary patches in the hull to dewatering during emergency removal and of these, at least one has failed in the last three years and the lower two decks have flooded. This has resulted in the flooding of the lower two decks and the engine room. The ship is still floating in place due to foam buoyancy, with approximately two feet of water below the vessel at low tide.

In December 2011, the USCG reassessed the vessel for any remaining pollution threats. During this assessment small, intermittent sheen blooms were found on the port-side stern of the vessel. To mitigate the sheen, the FOSC hired contractors to conduct a final hull assessment for failed patches or new holes/leaks in vessel. As a result, 16 holes & failing patches were plugged and repaired. The contractors also used dive operations to corral and manually remove the remaining floating residual oil on the flooded decks. Finally, the contractors tack welded all access into the ship to deter future illegal pollution dumping and illicit activity.

FOSC Comment:

As Federal On-Scene Coordinator for the LST1166, I have authority vested by the Federal Water Pollution Control Act, 33 U.S.C. Section 1321 and the National Contingency Plan, 40 C.F.R. Part 300). Exercising my authority, I have diligently attempted to balance my responsibilities as both a steward of the environment and a custodian of the OSLTF and CERCLA Superfund. Where my opinion differs from those of other agency On Scene Coordinators, I use a risk-based approach to decide the best way forward. When remediation operations reach a stage where even significant additional costs will gain only very marginal additional contaminant removal, I seek a decision that will have the best overall impact on citizens and taxpayers.

I have consulted with the assigned Oregon SOSC to consider the State's opinions and recommendations for the best way forward with respect to this vessel. In addition, I have consulted with the NOAA Scientific Support Coordinator (SSC) and the USCG D13 Response Advisory Team (DRAT) and several other representatives of Federal agencies that have experience in oil and hazardous substances responses. All are in agreement that the remaining pollutants of concern are in such low concentration levels, bound in the matrix of the vessel's paint and within the hold of the vessel, situated within a very active, continually flushed environment, that the lowest practicable level of contamination has been reached for this emergency removal operation.

Conclusion

- Since 2008 the U.S. Coast Guard has removed approximately 40,000 gallons of fuel, oil, and oily water, 8,000 pounds of oily waste, 5,000 gallons of Polychlorinated biphenyl (PCB) oil, 350,000 pounds of PCB-contaminated solids, 5 pounds of Mercury, 4 pounds of hypodermic needles, and 120 cubic yards of friable asbestos.
- The LST1166 in its current state does not pose an imminent or substantial threat to the environment. The PCB and lead contaminate onboard are bound in solids in paint and wire insulation, and are in small amounts that do not justify millions of dollars spent to clean the vessel to EPA's ocean dumping standards to scuttle offshore or recycle the ship.
- The LST1166 should be assessed by the EPA to see if the vessel can be added to the National Priorities List as a remediation site.

Decision

After a thorough review of the EECA, I as the Federal On-Scene Coordinator have determined the oil and other hazardous material that remains on board does not pose a imminent or

substantial threat of pollution to the marine environment or public and does not warrant the significant projected cost of disposing of the vessel at sea or at a facility.

As such, I have determined that the most appropriate way forward is to continue to closely monitor it through the Derelict Vessel Task Force. My staff also continues to conduct training and outreach to Sector assets including Pilots, Auxiliary, and Stations as well as to Federal, State, Local, and industry partners so they can assist in monitoring and report any changes to the status of the vessel.

Finally, I have sent a letter to the vessel owners advising that should the Coast Guard determine in the future that his vessel poses a substantial threat of discharge of oil or hazardous substances into the marine environment, they will be once again be held financially responsible for any further response, removal, or remediation activities that are necessarily performed to mitigate the threat.

#

Copy: State of Oregon, Department of Environmental Quality



To: Mary Queitzsch/R10/USEPA/US, Cyndy Mackey/R10/USEPA/US, Clifford Villa/R10/USEPA/US, Jonathan Freedman/R10/USEPA/US, Christine Reichgott/R10/USEPA/US,
Cc: Wally Moon/R10/USEPA/US@EPA, terada.calvin@epamail.epa.gov, Dan Heister/R10/USEPA/US@EPA, Earl Liverman/R10/USEPA/US@EPA, Richard Franklin/R10/USEPA/US, ,
Bcc:
Subject: Final meeting with USCG and DEQ on the LST-1166

fyi on final disposition of the LST-1166:

RE: LST-1166: 378 ft former Navy vessel, at mile marker 64, Columbia River (USCG NCP jurisdiction), containing pcb wiring and paint, deteriorating lead paint, tons of floatation foam in lower decks, leaking and unseaworthy, occasional oil sheen, transient drug use attraction.

On December 13, 2011 there was a meeting with the USCG, DEQ and EPA to discuss the USCG plans for the LST-1166. The USCG informed everyone that after spending millions of dollars on oil and hazwaste and solid waste removal, they no longer consider the vessel to meet CERCLA or OPA criteria. Therefore they have welded all openings shut and plan to hand responsibility for the vessel back over to the owner. They will place the vessel on their list of derelict vessels for periodic observation. DEQ understands the predicament and indicated that the State might pursue a legislative funding approach to dealing with the vessel. The USCG indicated that they would do a final decision memo and attach the EE/CA as an addendum.

As a reminder, here are the estimated costs for various alternatives for either ocean disposal or metal recycling as documented in the EE/CA

EE/CA cost estimates:

1. Partial Removal, hull repair for movement and deep ocean disposal.....\$2.9M
2. Same as #1 except add removal of PCB wire.....\$3.1M
3. Partial Removal, hull repair and tow to metal salvager in Portland Harbor.....\$4.1M
4. Same as #3, but add paint removal to waterline.....\$4.6M

The EPA Emergency Management Program plans no further action at this time.

Chris D. Field, Program Manager
EPA Emergency Management Program, R-10
(206) 553-1674

12/13/11 - LST-1166 Call w/ DEQ, USCG, EPA

□ USCG + DEQ did inspection about 2 weeks ago and determined that there is no longer OPA or CERCLA threat

□ All openings ^{are} welded shut

□ could be occasional sheening but engine rooms and other spaces were steam cleaned as much as practicable.

□ Capt Jones will respond to Director Pedersen letter informing that it will be left in place, contrary to his request.

□ Paint w/ pcb + lead will continue to peel off.

□ suggested they document the Navy considerations

□ CG samp paint peeling not expected to pose env. threat in fast water flushing waterway

□ CG will close out the Removal + monitor it

under the derelict vessel program →

DEQ Director may not agree w/ CG determination
↳ may pursue legislative funds to deal w/ it
rather than arguing CERCLA/OFA applicability.

USCG estimates 1.2 lbs PCB in all
paint + < 5 lbs PCB in wire.

USCG agreed to do "decision memo" at my
request for final report, and attach EPC/CA



To: Mary Queitzsch/R10/USEPA/US, Clifford Villa/R10/USEPA/US,
Wally Moon/R10/USEPA/US, Calvin Terada/R10/USEPA/US, Dan Opalski/R10/USEPA/US,
Cc: Richard Franklin/R10/USEPA/US, Anthony Barber/R10/USEPA/US, Thomas
Eaton/R10/USEPA/US, Gilberto Irizarry/DC/USEPA/US, Eugene Lee/DC/USEPA/US,
Bcc:
Subject: LST-1166 status - Important...

Mary and Cliff,

RE: 400 ft former Navy vessel, at mile marker 64, Columbia River, with pcb wiring and paint, deteriorating lead paint, tons of floatation foam in lower decks, leaking and unseaworthy, occasional oil sheen, transient drug use attraction.

Rich Franklin and I will participate in a meeting tomorrow between USCG and ODEQ, where the CG is expected to announce that the LST-1166 in it's current state does not meet CERCLA Removal criteria, and that they don't have access to sufficient CERCLA funding to move the LST-1166 anyway. They are going to button it up and leave it. The State understands the predicament and isn't really sure how to proceed. Everyone agrees that it doesn't make anymore sense to leave the 400 foot hulk in the Columbia than it does to put it at the bottom of the ocean.

Here's the EECA cost estimates:

1. Partial Removal, hull repair for movement and deep ocean scuttle.....\$2.9M
2. Same as #1 except add removal of PCB wire.....\$3.1M
3. Hull repair and tow to metal salvager in Portland Harbor.....\$4.1M
4. Same as #3, but add paint removal to waterline.....\$4.6M

Options not yet considered:

1. List it on NPL and use EPA Remedial program to fund cleanup (either through HRS or a State pick?)
2. Ask State of Oregon to pursue a contract with a salvager in Portland Harbor and see if the price comes down any by way of competition among salvagers once they've taken a closer look.

Given that the ship sits in the Coast Guard zone, I thing EPA has done everything we can to assist in the matter. Any thoughts on this would be appreciated.
Chris.

Chris D. Field, Program Manager
EPA Emergency Management Program, R-10
(206) 553-1674

12/13/11 - Call in # (503) 326-2676

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Sector Columbia River

2185 SE 12th Place
Warrenton, OR 97146
Phone: (503) 861-6212

3025
September 9, 2010

Mr. Chris D. Field
Manager, Emergency Response Team
U.S. Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

RECEIVED

SEP 16 2010

Environmental
Cleanup Office

Dear Mr. Field:

1. As you are aware, LST-1166 (ex-USS Washtenaw County) clean-up efforts continue under the Oil Pollution Act (OPA) and Comprehensive Environmental Recovery, Compensation, and Liability Act (CERCLA). Emergency removal actions have been completed. Non-time-critical removal actions continue. The Environmental Protection Agency (EPA) has the expertise necessary for this stage of the response. As such, I request that EPA conduct an Engineering Evaluation/Cost Analysis (EE/CA) under 40 CFR 300 to determine the removal alternatives for LST-1166.
2. Accordingly, EPA may use all authority provided under 40 CFR 300 to conduct the EE/CA. I will retain all FOSC authority.

Sincerely,

A handwritten signature in blue ink that reads "D. E. Kaup".

D. E. KAUP
Captain, U.S. Coast Guard
Commander, Sector Columbia River
Federal On-Scene Coordinator for the Coastal Zone



Update on LST-1166. Meeting with USCG.

field.chris, terada.calvin, villa.clifford, Mary

Richard Franklin to: Queitzsch, Jonathan Freedman, smith.judy,
liverman.earl

12/15/2010 04:04 PM

Cc: moon.wally, heister.dan, barber.anthony

Hi All,

This afternoon, we met with USCG Sector Columbia and MSU Portland on LST-1166 to discuss our status, expectations and process for the EE/CA, and clear roadmap forward and sideboards to the PRFA. All went well.

- USCG understands they are the lead agency, we are assisting. They make final decisions on EE/CA.
- We develop a draft EE/CA for their approval.
- They are responsible for the Administrative Record. We explained the process and NCP requirements
- They are responsible for handling the Public Comment period and response. We offered to assist them as needed.
- They are the lead for Community Relations. We will assist as necessary to help them thru this. Judy Smith gave them a 30,000 foot elevation picture of the requirements and how EPA handles Community Relations and Public Comment.
- They are comfortable with the EE/CA options as stated in the draft Approval Memorandum
- We will change the PRFA so that we have a clearer Scope of Work
- USCG loaned us the vessel's engineering diagrams for use in assessing the vessel, options, and preparing the EE/CA
- USCG will forward to EPA all USCG research, data, and options developed previously for the vessel thru T&T/Bisso (Naval architects and salvage experts previously hired by USCG)
- I also gave them the EPA EE/CA guidance document and Administrative Record guidance. We offered any assistance needed to help them thru the CERCLA process

USCG said they felt good about getting back on a good, defined path forward. Once the Approval Memorandum is signed we can move. So.....any comments on it? Is it in good enough shape that we can get it routed and signed by Dan O before Christmas (would be nice gift!)

Regards,

Richard Franklin
Federal On-Scene Coordinator
U.S. EPA Region 10
Oregon Operations Office
805 SW Broadway, Suite 500
Portland, OR 97205

Office: (503) 326-2917
Cell: (503) 475-4178

AGENDA FOR LST-1166 INFORMATIONAL BRIEFING

September 10, 2010 2:00 – 2:45 pm

RA Dennis McLerran

- Introduction and purpose, major points [Rick and Dan] 5 minutes
- Summary of Region 10 Involvement including work done by USCG [Jonathan and Richard with TSCA to support as needed on PCB questions] 10 minutes
- Oil Pollution Act (OPA)/ CERCLA/ CWA 311 and EE/CA [Chris with Mary to support as needed] 10 minutes
- Potential Rubs [Chris] 5 minutes
- Options and RA role in future [Chris, Jonathan, Mary] 5 minutes
- Questions and Answers 10 minutes

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Homeland Security

United States
Coast Guard



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2185 SE 12th Place
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Phone: (503) 861-6212

3025
September 9, 2010

Mr. Chris D. Field
Manager, Emergency Response Team
U.S. Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Dear Mr. Field:

1. As you are aware, LST-1166 (ex-USS Washtenaw County) clean-up efforts continue under the Oil Pollution Act (OPA) and Comprehensive Environmental Recovery, Compensation, and Liability Act (CERCLA). Emergency removal actions have been completed. Non-time-critical removal actions continue. The Environmental Protection Agency (EPA) has the expertise necessary for this stage of the response. As such, I request that EPA conduct an Engineering Evaluation/Cost Analysis (EE/CA) under 40 CFR 300 to determine the removal alternatives for LST-1166.
2. Accordingly, EPA may use all authority provided under 40 CFR 300 to conduct the EE/CA. I will retain all FOSC authority.

Sincerely,

A handwritten signature in dark ink that reads "D. E. Kaup".

D. E. KAUP
Captain, U.S. Coast Guard
Commander, Sector Columbia River
Federal On-Scene Coordinator for the Coastal Zone

- CE/CA needs to include a PCB risk assessment.
- it needs to evaluate
- must develop methods to do ^{PCB} risk assessment.
-
- phased approach, looking at feasible options first, before PCB risk assessment.

Briefing for RA

Intro/PURPOSE ~~What was said to the RA~~

1. Ocean Disposal request
2. What did USCG do for \$3.7m
3. ~~What~~ Explain OPA + CERCLA + CE/CA pieces
4. Where are potential future subs.

Dan O - Does RA need to call USN Admiral

- Dan O.
- LST-1166 (RA call Navy?) (FRI mty?)
 - Vermilion NW
 - Thanks or McCormick

AGENDA FOR LST-1166 INFORMATIONAL BRIEFING

September 10, 2010

RA Dennis McClerran

- Introduction and purpose [Jonathan Freedman]
- Major Points [Jonathan Freedman]
- Summary of Region 10 Involvement including work done by USCG [Jonathan Freedman and Richard Franklin, with TSCA to support as needed on PCB questions]
- Oil Pollution Act (OPA)/ CERCLA/ CWA 311 and EE/CA [Chris Field, with Mary S. Queitzsch to support as needed]
- Options and RA role in future, where RA may be needed to provide direct assistance [Chris Field and Jonathan Freedman]
- Questions and Answers [as needed based on nature of question raised by RA]

Derelict Vessel LST-1166 Status and Options

Background

The 378-foot LST-1166 was built in 1954 as a tank landing ship for the United States Navy, then converted to a Navy minesweeper in February, 1973 (MSS-2). After being decommissioned in August of 1973, it was sold and used commercially by at least two foreign flag owners. In 1980 it was towed to Astoria, Oregon because of mechanical troubles and sold to an Oregon salvage firm and then to a non-profit company. The vessel was towed to its current moorage near Rainier, Oregon in 2002. The non-profit owner is for all intents and purposes defunct. In 2007, a contractor, possibly representing the owner's insurance company, requested Region 10 approval for ocean disposal of the vessel using the general permit under the Marine Protection, Research, and Sanctuaries Act (MPRSA). Region 10 denied the request because the vessel had not been cleaned of pollutants as required under the GP. The US Coast Guard has been dealing with the abandoned, derelict vessel since 2007 as it has become an environmental and public safety hazard. The US Coast Guard has removed most accessible oils and hazardous materials including paints, batteries, and mercury; removed friable asbestos and encapsulated all other asbestos containing material; patched the hull¹ and dewatered machinery spaces. However, paint containing polychlorinated biphenyls (PCBs) and wiring that may contain PCBs continue to be present. For many months the US Coast Guard maintained contracted armed security on the vessel at a cost of \$2,100 per day in order to deter drug users and scrap thieves from vandalizing the vessel. Because of limited funds, the US Coast Guard has indicated their desire to terminate all actions related to this vessel. The security was terminated in June 2010.

The US Coast Guard initially approached EPA in 2008 to discuss the possibility of disposing this vessel into the ocean using the general permit under the MPRSA. At that time, the vessel had not undergone any of the cleanup work which the Coast Guard later undertook as a removal action in 2009 using Oil Pollution Act funds. EPA urged the Coast Guard to undertake action to clean the vessel to the standards of the MPRSA general permit. This spring, in late April, the Coast Guard met with EPA's MPRSA program along with EPA's Removal program and PCB program to again discuss options for the vessel. The PCBs remaining on the vessel were discussed and options reviewed. EPA inspected the ship with the Coast Guard and reviewed sampling data. The level of PCBs in the paint is greater than that allowed under the general permit for open ocean disposal (50 ppm), so it was agreed that the Coast Guard and EPA would explore undertaking a risk assessment for PCBs to determine if TSCA requirements could be met to allow for disposal of the vessel in the ocean.

Status

The Coast Guard has changed organizational structure since our last meeting August 9, 2010. Discussions between the Coast Guard over whether they will (or can) turn control of the response over to EPA have continued. The Coast Guard has agreed to extend its lead through October 31, 2010, as both agencies move toward a decision that would work for both. The Coast Guard continues to believe that their organization is not capable of conducting further analysis on this ship. Specifically, they say that the scope of work contemplated by the Coast Guard for management/disposal of LST-1166 is beyond the scope of the CERCLA removal action they undertook to control the most immediate threat presented by the vessel., and that they lack the expertise to pursue further study of disposal options for disposal and scrapping. Both the Coast Guard and EPA are uncomfortable with the idea of walking away from this derelict vessel, leaving it to deteriorate and again become an even greater social and environmental problem. Because there is no clear and obvious pathway forward, we are exploring a number of options. All of the options below appear to require (presently unidentified) funding, and coordination, collaboration and direct action among two or more agencies, at a high level. In our view, direct assistance from Regional upper management and the Regional Administrator is necessary to move any of these options forward.

¹ Although "patched", the USCG reports that the hull is compromised with in excess of 120 holes.

To help EPA refine the options, EPA asked the USCG to allow EPA to act as their OSC representative to conduct an EE/CA using the USCG OPA account opened for the LST 1166. EPA asked for funding under that account to conduct the EE/CA. The USCG is expected to respond to this request this week if possible.

Options

- 1) Continue to explore alternatives to ocean disposal until EPA can determine whether potential scrapping / upland disposal options are in fact available and practicable. Salvage contractors are currently exploring the feasibility of scrapping and are in contact with EPA.
- 2) Engage with the Navy to accept this vessel as a target practice vessel using EPA's general permit under the MPRSA. The Navy refers to this MPRSA general permit as SINKEX. The EPA Administrator made a TSCA Section 9 finding to allow the MPRSA to control PCBs on SINKEX vessels rather than TSCA except for PCBs removed from the vessel.
- 3) Seek a finding by the EPA Administrator that use of the Toxic Substances Control Act (TSCA) Section 9 provisions is appropriate for this vessel. Previous studies done by the Navy on PCB leach rates in a deep ocean environment, and a bioavailability risk evaluation done by NOAA on deep ocean disposal for Region 10 could be used as a starting point to support the finding. This authority provides that the EPA Administrator shall consult and coordinate with the heads of other appropriate federal executive departments or agencies to achieve maximum enforcement of TSCA while imposing the least burden of duplicative requirements. The Administrator is also directed to coordinate actions taken under TSCA with actions taken under other federal laws administered by the EPA, such as the Marine Protection, Research and Sanctuaries Act, the Clean Air Act and the Clean Water Act. If risk is already managed effectively under a different statute, following publication of public notice, the Administrator may conclude that regulation under TSCA is not necessary. This would be an extraordinary finding, used in the past for Navy target vessel sinkings under the MPRSA, called SINKEX by the Navy. It would allow EPA to use the MPRSA rather than TSCA to address the PCBs aboard the vessel.
- 4) *Application of CERCLA remedial authority, which would allow consideration of one of the ARAR waivers which may apply to a remedial action.*
- 5) *The vessel would remain under USCG control, as overall OSC. They would be responsible for directing all Federal actions. Using any, or all of several general authorities, and without giving over control of the vessel, the USCG Commanding Officer (CO), retains overall authority, but allows EPA to have all FOSC authority for the incident within the CO's jurisdiction. Regulations allow the USCG to ask for EPA's help. There is precedent for this in Region 9. (Note: preceding is description of how to accomplish)*
- 6) Continue to encourage Coast Guard to conduct a risk evaluation to determine if a Risk-Based Disposal Approval could be supported by EPA pursuant to TSCA regulations.
- 7) Federal collaborative solution. This option would reflect collaborative efforts across federal agencies that would not be limited to the legal obligations of any one particular agency. This option recognizes that neither the EPA nor the Coast Guard is legally obligated to take any particular action, but not responding would not be in the interests of the environment or human health. One such coordinating mechanism is Coastal America.
- 8) Engage the community and congressional representatives to explore solutions.

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
U. S. Coast Guard
Sector Portland

6767 N Basin Ave.
Portland, Oregon 97217-3992
Staff Symbol: S
Phone: (503) 240-9355
FAX: (503) 240-9302

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MAY 24 2010

Environmental
Cleanup Office

16450

11 May 2010

Mr. Chris D. Field
Manager, Emergency Response Team
US Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: LST-1166, Ex-USS WASHTENAW COUNTY, Termination of Response

Dear Mr. Field,

In accordance with our verbal notification of 03 May 2010, I have now demobilized the contract security force and the work barge from the LST-1166 site. The vessel remains a Federal response site. Signs are being procured to advise the public that entry to the site remains prohibited, and the waterside safety zone remains in place.

I took this action in order to reduce the ongoing Federal expenditure on Federal Project Number S07052 while we await a determination on the final disposition of the vessel. Site security costs amounted to \$2,000 per day. After reviewing all of the suspicious incident reports filed by the contractor and by Coast Guard assets since the start on Federal response operations in 2008, I have determined that the threat to the vessel is low and it would not be responsible to continue funding a 24/7 security presence indefinitely while there is no cleanup activity at the site.

As I noted at our 12 March meeting, we had hoped to reach agreement on a way forward for ocean disposal of this vessel no later 28 April 2010. That would have allowed us to retain a salvage contractor to restore the vessel's watertight integrity, arrange for removal of flaking paint, and conduct a tailored risk-based assessment in accordance with 40 CFR §761.62(c) of PCB fate and transport in the ocean in order to obtain a final ocean disposal permit under 40 CFR §229.3 prior to the end of September. Weather and sea state play a major role in the safety of complex towing operations, and our window of favorable weather is usually limited to July through September in the Pacific Northwest. As of today, we have not received any firm guidance on the required content of the 40 CFR §761.62(c) risk assessment. Without agreement on the specific PCB migration pathways and receptors that must be included or on the criteria for risk evaluation, we cannot proceed with any confidence that the risk assessment would be considered sufficient to support the ocean disposal permit application.

On April 15, the EPA Region 10 Sediment Program Manager advised us that EPA counsel desired a reassessment of alternatives to ocean disposal, including the options of recycling the vessel in Texas and in British Columbia. As I mentioned in my letter of 19 February, we had already selected a preferred disposal method via a Unified Command process and had not

anticipated re-opening discussion on other options. However, by way of clarification of our Unified Command decision-making, I would like to note that these recycling options appear to us to be precluded by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and by the International Convention on Load Lines, as well as by their implementing statutes in US law. Towing of the LST-1166 to British Columbia requires transiting the high seas as well as Canadian territorial waters. Towing of the vessel to Texas also requires transiting the high seas, as well as the territorial sea and internal waters of Panama. Both are foreign voyages, and by international convention the stability of a vessel on an international voyage must be demonstrated by marking a load line on it. As the Officer in Charge of Marine Inspection, I have authority to grant a load line, but I am required to follow the procedures in 46 CFR Subchapter E. In order to issue a temporary load line certificate, this vessel will require drydocking and removal of the foam so that the shell plating and structure can be examined. The vessel has not been drydocked in more than 25 years, which creates a significant risk that its hull could fail as it was being set down onto the yard blocks.

Further, under 40 CFR §761.97 and the Basel Convention, the export of bulk PCB waste materials containing greater than 50 ppm PCBs for disposal is prohibited without an exemption granted by the Administrator of EPA. This would apply to the transport of LST-1166 to Canada in its present condition. Transport of the LST-1166 to Texas is not an export and would appear to be an exempted shipment IAW 40 CFR §761.99(a), but other Panama Canal regulations may apply.

In light of the continued uncertainty regarding an acceptable PCB level for disposal at sea and with the timetable for favorable weather conditions closing, I am scaling back our on-site efforts. We will continue to hold the Federal Project Number open in the near term, and we will be working with EPA over the summer months to determine if there is a practical disposal alternative for this vessel.

Sincerely,



F. G. MYER
Captain, U.S. Coast Guard
Commander, Sector Portland
Federal On-Scene Coordinator for the Coastal Zone



LST-1166 POCs for ongoing work , Current draft cleanup list and other tasks

Jonathan Freedman to: Tristen Gardner, Daniel Duncan, Richard Franklin, Matthew.N.Jones, Dave Bartus

05/20/2010 12:13 PM

Cc: Christine Reichgott, Richard Parkin, Mary Queitzsch, Scott Downey, Richard Mednick, Clifford Villa, Chris Field

Everyone - Lieutenant Matt Jones will be the new POC for this project with the Coast Guard. I will be the POC for EPA, pending final approval from ETPA management.

Matt's email is: Matthew.N.Jones@uscg.mil and his phone number is (206) 220-7155.

Tristen / Richard - as discussed: please edit final changes in to the below document as you deem necessary and send back to me for forwarding final to the Coast Guard.



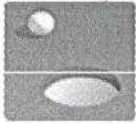
LST 1166 cleanup listv3.doc

Matt - Dave Bartus' contact information is below, and he has been forwarded this message.

Dave Bartus (office symbol AWT-122); phone number (206) 553-2804

- Matt and Dave will get in contact to discuss the content of the USCG's risk-assessment that will form the basis for EPA's PCB program risk analysis.
- The Coast Guard will provide EPA with a summary report of all the sampling and remediation work done on the LST-1166 to date (draft raw data turned over to EPA)
- The Coast Guard will provide EPA's ocean dumping program with an assessment of the bottom habitat at the disposal site (data collected and provided by NOAA)
- The Coast Guard will provide the ocean dumping program with an analysis of alternatives to ocean disposal (two are currently being looked at), including comparative costs so that we can determine if options to ocean disposal exist
- The Coast guard will provide the ocean dumping program with a tow and sinking plan, addressing the questions of the vessel's seaworthiness to get to the disposal site; and sinkability (without near-surface lateral drift) once at the disposal site)
- EPA understands that the Coast Guard will not proceed with remaining cleanup items on the list we have provided them in draft form until they have reasonable assurance that EPA is moving toward approval of use of the general permit

Jonathan Freedman (206) 553-0266
USEPA, Region 10
Sediment Management Program
1200 Sixth Avenue, Suite 900
ETPA - 083
Seattle WA 98101
freedman.jonathan@epa.gov
FAX: (206) 553-1775



To: Richard Franklin/R10/USEPA/US,
Cc: Calvin Terada/R10/USEPA/US,
Bcc:
Subject: LST-1166 meeting today...

Rich,

TSCA called a quick meeting today with most of the internal EPA group. Apparently USCG thought they were waiting for direction from EPA to move forward, while at the same time EPA thought we were waiting for a risk assessment from USCG.

We have a very clear list of action items that we delivered to the Coast Guard on March 26th that lays out all the next steps. It's clear that the next step involves the Coast Guard hiring a consultant to do a focused risk assessment for leaving non-liquid pcbs on the vessel when scuttled. I believe you provided some consulting sources for them in that regard?

We agreed it is critical to speak with one voice to the USCG to avoid confusion. Jonathan wasn't aware that we all thought he was the one voice. He now agrees to be it if his supervisor agrees. If not, we need to assign someone else to avoid confusion and keep things on track. Scott Downey (TSCA) agreed to be the manager rep working with Jonathan. I think all you need to do is to check in with the LT or CDR periodically to make sure they're not off track. Call me if you see anything differently.

Thanks.

Chris D. Field, Manager,
Emergency Preparedness and Response Program,
Environmental Protection Agency - Region 10
(206) 553-1674



To: Seiko Kusachi/R10/USEPA/US,
Mary Queitzsch/R10/USEPA/US, Jonathan Freedman/R10/USEPA/US, Clifford
Cc: Villa/R10/USEPA/US, Christine Reichgott/R10/USEPA/US, Richard
Franklin/R10/USEPA/US, Calvin Terada/R10/USEPA/US,
Bcc:
Subject: Meeting this Friday re: LST-1166

Seiko,

Please send out a meeting invitation and arrange a room for at least 11 people for a meeting this Friday 3/12, (11R would be great if we can get it).

The meeting should start at noon and end in 90 min. If we get too many declines for that start time, we'll move it back to 11am.

Here's the invitees:

Mary Queitzsch
Jonathon Freedman
Clifford Villa
Christina Reichgott
Chris Field
Richard Franklin
Calvin Terada

There will be about 4 US Coast Guard folks joining us. I'll take care of inviting them.

Thanks,
Chris.

1.5 mi west of Long view bridge

PART 229—GENERAL PERMITS

Sec.

- 229.1 Burial at sea.
- 229.2 Transport of target vessels.
- 229.3 Transportation and disposal of vessels.

AUTHORITY: 33 U.S.C. 1412 and 1418.

SOURCE: 42 FR 2489, Jan. 11, 1977, unless otherwise noted.

§ 229.1 Burial at sea.

(a) All persons subject to title I of the Act are hereby granted a general permit to transport human remains from the United States and all persons owning or operating a vessel or aircraft registered in the United States or flying the United States flag and all departments, agencies, or instrumentalities of the United States are hereby granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea subject to the following conditions:

(1) Except as herein otherwise provided, human remains shall be prepared for burial at sea and shall be buried in accordance with accepted practices and requirements as may be deemed appropriate and desirable by the United States Navy, United States Coast Guard, or civil authority charged with the responsibility for making such arrangements;

(2) Burial at sea of human remains which are not cremated shall take place no closer than 3 nautical miles from land and in water no less than one hundred fathoms (six hundred feet) deep and in no less than three hundred fathoms (eighteen hundred feet) from (i) 27°30'00" to 31°00'00" North Latitude off St. Augustine and Cape Canaveral, Florida; (ii) 82°20'00" to 84°00'00" West Longitude off Dry Tortugas, Florida; and (iii) 87°15'00" to 89°50'00" West Longitude off the Mississippi River Delta, Louisiana, to Pensacola, Florida. All necessary measures shall be taken to ensure that the remains sink to the bottom rapidly and permanently; and

(3) Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified in paragraph (a)(2) of this section provided that such burial shall take place no closer than 3 nautical miles from land.

(b) For purposes of this section and §§ 229.2 and 229.3, "land" means that portion of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, which is in closest proximity to the proposed disposal site.

(c) Flowers and wreaths consisting of materials which are readily decomposable in the marine environment may be disposed of under the general

permit set forth in this section at the site at which disposal of human remains is authorized.

(d) All burials conducted under this general permit shall be reported within 30 days to the Regional Administrator of the Region from which the vessel carrying the remains departed.

§ 229.2 Transport of target vessels.

(a) The U.S. Navy is hereby granted a general permit to transport vessels from the United States or from any other location for the purpose of sinking such vessels in ocean waters in testing ordnance and providing related data subject to the following conditions:

(1) Such vessels may be sunk at times determined by the appropriate Navy official;

(2) Necessary measures shall be taken to insure that the vessel sinks to the bottom rapidly and permanently, and that marine navigation is not otherwise impaired by the sunk vessel;

(3) All such vessel sinkings shall be conducted in water at least 1,000 fathoms (6,000 feet) deep and at least 50 nautical miles from land, as defined in § 229.1(b); and

(4) Before sinking, appropriate measures shall be taken by qualified personnel at a Navy or other certified facility to remove to the maximum extent practicable all materials which may degrade the marine environment, including without limitation (i) emptying of all fuel tanks and fuel lines to the lowest point practicable, flushing of such tanks and lines with water, and again emptying such tanks and lines to the lowest point practicable so that such tanks and lines are essentially free of petroleum, and (ii) removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

(b) An annual report will be made to the Administrator of the Environmental Protection Agency setting forth the name of each vessel used as a target vessel, its approximate tonnage, and the location and date of sinking.

§ 229.3 Transportation and disposal of vessels.

(a) All persons subject to title I of the Act are hereby granted a general permit to transport vessels from the United States, and all departments, agencies, or instrumentalities of the United States are hereby granted a general permit to transport vessels from any location for the purpose of disposal in the ocean subject to the following conditions:

(1) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard, the person desiring to dispose of a vessel under this general permit shall,

§ 229.3

no later than 1 month prior to the proposed disposal date, provide the following information in writing to the EPA Regional Administrator for the Region in which the proposed disposal will take place:

(i) A statement detailing the need for the disposal of the vessel;

(ii) Type and description of vessel to be disposed of and type of cargo normally carried;

(iii) Detailed description of the proposed disposal procedures;

(iv) Information on the potential effect of the vessel disposal on the marine environment; and

(v) Documentation of an adequate evaluation of alternatives to ocean disposal (i.e., scrap, salvage, and reclamation).

(2) Transportation for the purpose of ocean disposal may be accomplished under the supervision of the District Commander of the U.S. Coast Guard or his designee.

(3) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the District Commander of the U.S. Coast Guard, appropriate measures shall be taken, prior to disposal, by qualified personnel to remove to the maximum extent practicable all materials which may degrade the marine environment, including without limitation (i) emptying of all fuel lines and fuel tanks to the lowest point practicable, flushing of such lines and tanks with water, and again emptying such lines and tanks to the lowest point practicable so that such lines and tanks are essentially free of petroleum, and (ii) removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

(4) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard, the dumper shall, no later than 10 days prior to the proposed disposal date, notify the EPA Regional Administrator and the District Commander of the U.S. Coast Guard that the vessel has been cleaned and is available

for inspection; the vessel may be transported for dumping only after EPA and the Coast Guard agree that the requirements of paragraph (a)(3) of this section have been met.

(5) Disposal of these vessels shall take place in a site designated on current nautical charts for the disposal of wrecks or no closer than 22 kilometers (12 miles) from the nearest land and in water no less than 50 fathoms (300 feet) deep, and all necessary measures shall be taken to insure that the vessels sink to the bottom rapidly and that marine navigation is not otherwise impaired.

(6) Disposal shall not take place in established shipping lanes unless at a designated wreck site, nor in a designated marine sanctuary, nor in a location where the hulk may present a hazard to commercial trawling or national defense (see 33 CFR part 205).

(7) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the U.S. Coast Guard, disposal of these vessels shall be performed during daylight hours only.

(8) Except in emergency situations, as determined by the U.S. Army Corps of Engineers and/or the District Commander of the U.S. Coast Guard, the Captain-of-the-Port (COTP), U.S. Coast Guard, and the EPA Regional Administrator shall be notified forty-eight (48) hours in advance of the proposed disposal. In addition, the COTP and the EPA Regional Administrator shall be notified by telephone at least twelve (12) hours in advance of the vessel's departure from port with such details as the proposed departure time and place, disposal site location, estimated time of arrival on site, and the name and communication capability of the towing vessel. Schedule changes are to be reported to the COTP as rapidly as possible.

(9) The National Ocean Survey, NOAA, 6010 Executive Blvd., Rockville, MD 20852, shall be notified in writing, within 1 week, of the exact coordinates of the disposal site so that it may be marked on appropriate charts.

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
U. S. Coast Guard
Sector Portland

6767 N Basin Ave.
Portland, Oregon 97217-3992
Staff Symbol: S
Phone: (503) 240-9355
FAX: (503) 240-9302

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FEB 24 2010

16450
19 February 2010

Environmental
Cleanup Office

Mr. Chris D. Field
Manager, Emergency Response Team
US Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: LST-1166, Ex-USS WASHTENAW COUNTY, Termination of Response

Dear Mr. Field,

As you are aware, I initiated a Federal response on the subject vessel under CERCLA and OPA on 11 July 2008 due to the inaction of the Responsible Party and their failure to comply with several administrative orders. Over the course of the following several months, Coast Guard and contractor personnel characterized the site, removed all accessible oils and hazardous materials including paints, batteries, and mercury; removed friable asbestos and encapsulated all other asbestos containing material; patched the hull and dewatered the machinery spaces. Active cleanup operations concluded in January 2009. The only remaining contaminant of concern aboard the vessel is paint containing small quantities of polychlorinated biphenyls (PCBs). Since that date, I have maintained contracted armed security on the vessel at a cost of \$2,100 per day, in order to deter the drug users and scrap thieves whose previous metal scavenging efforts had caused the initial release of hazardous materials to the environment.

Prior to commencing Federal removal action, I had convened a Unified Command including the Oregon Department of Environmental Quality and the Washington Department of Ecology. The Unified Command had determined that the best course of action was cleaning of the vessel followed by disposal at sea. On 08 May 2009, the Commandant of the Coast Guard approved my request to destroy this vessel. I intend to dispose of the vessel by scuttling it in the vicinity of 46-20 N 125-26 W, 65 nautical miles west of Ilwaco, in 1080 fathoms of water.

This location was selected in consultation with the NOAA Scientific Support Coordinator and the National Marine Fisheries Service. Because this is not an emergency situation, I am required by 40 CFR 229.3 to obtain your concurrence prior to disposal. In previous correspondence with the Responsible Party, your staff has indicated that the vessel would need to meet the conditions of the EPA/MARAD *National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs*. I understand that this Best Management Practice would require cleaning of all metal surfaces contaminated with paint at >50 ppm PCB by blasting to near-white metal condition. The National Pollution Funds Center commissioned an experienced salvage engineer to develop an Independent Government Estimate of disposal costs. He concluded that removal of paint to this standard would cost approximately \$8.3 million, and

there is no guarantee that it could be done in the Pacific Northwest. There are only a limited number of shipyards in this region with the physical capacity to handle a vessel of this size, and all are operating at capacity repairing US Government and Jones Act vessels.

The NOAA Scientific Support Coordinator has advised me that the total mass of PCBs aboard the vessel is 1.2 pounds, and given that they are bound in a paint matrix, have negligible solubility in deep cold water, have an extremely high coefficient of sorption to sediment, and there is no identifiable pathway from the proposed disposal site to any biological receptor impacting human health or the environment.

I am uncomfortable in committing such a large amount of Federal resources to paint removal under my FOSC authority. The majority of Coast Guard actions under OPA 90 and CERCLA are of an emergent nature, and involve a more direct, tangible link between an immediate threat to the marine environment and our response actions. Your agency has much more expertise in developing strategies to manage these sorts of very long-duration releases, where it is necessary to consider a complex web of physical and biological pathways and potential accumulation points.

Federal law, as reflected in 40 CFR 300.415(b)(5), requires that I terminate the initial phase of any CERCLA removal actions after 12 months and relinquish control to an EPA remediation project manager. In view of the complexity of this case, I have not yet closed out Coast Guard action. However, I cannot responsibly sustain our operations indefinitely. Therefore, IAW 40 CFR 229.3(a)(1), I request that EPA provide a final written concurrence or non-concurrence for ocean disposal of LST-1166, in its present condition, within 45 days.

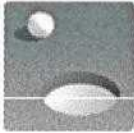
If you cannot concur with the proposed ocean disposal of this vessel, I will terminate Coast Guard response actions IAW 40 CFR 300.415(b)(5) no later than 5 April 2010 and close our Federal Project Number and CERCLA Project Numbers as of that date. The site will not be patrolled after that point. If your concurrence is conditional upon blasting of the painted surfaces, I must advise you that I do not currently have the funding authority nor the technical expertise to manage a project of this type, and I will request the appointment of an EPA FOSC or remediation project manager to oversee it.

Large, derelict vessels of this type continue to pose special challenges for both EPA and the Coast Guard. Most were built decades ago as public vessels and their extraordinary durability means that they will not disappear from our waterways for years to come. Your Portland office has recently approached me regarding a joint project to identify and pursue the owners of derelict vessels before they reach the appalling condition of the LST-1166. I support this initiative and I look forward to working with your agency on a long-term solution.

Sincerely,



F. G. MYER
Captain, U. S. Coast Guard
Commander, Sector Portland
Federal On-Scene Coordinator for the Coastal Zone



To: "Buie, Gregory" <Gregory.W.Buie@uscg.mil>,
"Smith, David CDR" <David.V.Smith@uscg.mil>, "Myer, Frederick CAPT"
Cc: <Frederick.G.Myer@uscg.mil>, Gregory.W.Buie@uscg.mil, "Jones, Matthew LT"
<Matthew.N.Jones@uscg.mil>, "Knutson, Scott" <Scott.R.Knutson@uscg.mil>, "Edwards,
Bcc:
Subject: RE: LST-1166

Thanks Greg.

We are currently planning the meeting for this Friday, noon to 1330, here at EPA. We're at 1200 6th Ave, Seattle (at the intersection of 6th and Seneca). There is parking under the building (we can't validate parking), on the street, and 1 block east, across I-5 on Seneca. Please go to our Public Center on the 12th floor and they will issue temporary badges and phone me to pick you up. Here's my cell number in case you get lost, run late, or have any questions ...(206) 605.6635.

Thanks,
Chris.

Chris D. Field, Manager,
EPA Emergency Response Program, R-10.
(206) 553-1674

"Buie, Gregory"	Good morning, Per our discussions at the RRT...	03/08/2010 09:58:57 AM
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From: "Buie, Gregory" <Gregory.W.Buie@uscg.mil>
To: "Edwards, Shaun LT" <Shaun.L.Edwards@uscg.mil>, Chris Field/R10/USEPA/US@EPA
Cc: "Smith, David CDR" <David.V.Smith@uscg.mil>, "Myer, Frederick CAPT"
<Frederick.G.Myer@uscg.mil>, "Jones, Matthew LT" <Matthew.N.Jones@uscg.mil>, "Knutson,
Scott" <Scott.R.Knutson@uscg.mil>
Date: 03/08/2010 09:58 AM
Subject: RE: LST-1166
Sent by: Gregory.W.Buie@uscg.mil

Good morning,

Per our discussions at the RRT meeting, I've made my travel arrangements to be in Seattle for the meeting on the 12th.

Please advise on exact time and place.

Regards,

Greg

-----Original Message-----

From: Edwards, Shaun LT
Sent: Tuesday, March 02, 2010 10:42 AM
To: Field.Chris@epamail.epa.gov; Buie, Gregory
Cc: Smith, David CDR; Myer, Frederick CAPT; Buie, Gregory; Jones, Matthew LT;
Knutson, Scott
Subject: RE: LST-1166

Chris- I suggested to Richard that we have the formal meeting on the 12th, late morning. Captain Myer is in Seattle for another function that afternoon so having the meeting around 1030/1100 would work best. I got an email from Richard yesterday afternoon that he is in Texas for a family emergency so maybe there is someone else that can arrange this meeting to occur at the EPA on the 12th.

LT Edwards

503-240-2566

-----Original Message-----

From: Field.Chris@epamail.epa.gov [mailto:Field.Chris@epamail.epa.gov]

Sent: Tuesday, March 02, 2010 7:01 AM

To: Buie, Gregory

Cc: Smith, David CDR; Chamberlin, Eric CAPT; Myer, Frederick CAPT; Buie, Gregory; Jones, Matthew LT; Lodge, Michael CAPT; Palmeri, Salvatore CAPT; Knutson, Scott; Edwards, Shaun LT; Eastman, Timothy;

Terada.Calvin@epamail.epa.gov

Subject: Re: LST-1166

Thanks Greg,

It probably wouldn't hurt for us to sit down for a few minutes and briefly discuss next steps, as long as Capt Myer is available. EPA OSC Rich Franklin is my point person on this issue and he won't be at the RRT meeting, but he is working on setting up a meeting for sometime in the next couple of weeks to put our collective heads together and figure out the best way forward. We could discuss at end of day Weds or over lunch on Thurs?

Thanks,

Chris.

Chris D. Field, Manager,

EPA Emergency Response Program, R-10

From: "Buie, Gregory" <Gregory.W.Buie@uscg.mil>

To: "Knutson, Scott" <Scott.R.Knutson@uscg.mil>, Chris Field/R10/USEPA/US@EPA

Cc: "Eastman, Timothy" <Timothy.G.Eastman@uscg.mil>, "Myer, Frederick CAPT"

<Frederick.G.Myer@uscg.mil>, "Smith, David CDR" <David.V.Smith@uscg.mil>, "Edwards, Shaun LT"

<Shaun.L.Edwards@uscg.mil>, "Palmeri, Salvatore CAPT" <Salvatore.G.Palmeri@uscg.mil>, "Lodge,

Michael CAPT" <Michael.J.Lodge@uscg.mil>, "Jones, Matthew LT" <Matthew.N.Jones@uscg.mil>,

"Chamberlin, Eric CAPT" <Eric.A.Chamberlin@uscg.mil>

Date: 03/01/2010 08:34 PM

Subject: LST-1166

Sent by: Gregory.W.Buie@uscg.mil

Chris and Scott,

As we discussed last week during the ESF-10 Seminar in Seattle, I am attending the RRT meeting in Oak Harbor this week as part of my normal annual NPFC Case Management Division outreach program.

If you would like to have a meeting or discussions regarding funding and the current cost recovery efforts on the LST-1166, I think this would be a great opportunity since many of the key people will be in Oak Harbor. Even if it is just a "preliminary" or "scoping" or "informal" meeting in preparation for something a little more formal between the CG and EPA in the near future, I think it would be a worthwhile use of our time to talk about the project.

(By the way, I will make myself available for *any* upcoming LST-1166 meetings if you would like me there.)

regards,

Greg

Greg Buie
Regional Manager
Western States and Pacific Region
Case Management Division
National Pollution Funds Center
Direct: (202) 493-6729
Fax: (202) 493-6896
Mobile: (202) 494-9091
E-mail: Gregory.W.Buie@uscg.mil

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
U. S. Coast Guard
Sector Portland

6767 N Basin Ave.
Portland, Oregon 97217-3992
Staff Symbol: S
Phone: (503) 240-9355
FAX: (503) 240-9302

16450
19 February 2010

Mr. Chris D. Field
Manager, Emergency Response Team
US Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: LST-1166, Ex-USS WASHTENAW COUNTY, Termination of Response

Dear Mr. Field,

As you are aware, I initiated a Federal response on the subject vessel under CERCLA and OPA on 11 July 2008 due to the inaction of the Responsible Party and their failure to comply with several administrative orders. Over the course of the following several months, Coast Guard and contractor personnel characterized the site, removed all accessible oils and hazardous materials including paints, batteries, and mercury; removed friable asbestos and encapsulated all other asbestos containing material; patched the hull and dewatered the machinery spaces. Active cleanup operations concluded in January 2009. The only remaining contaminant of concern aboard the vessel is paint containing small quantities of polychlorinated biphenyls (PCBs). Since that date, I have maintained contracted armed security on the vessel at a cost of \$2,100 per day, in order to deter the drug users and scrap thieves whose previous metal scavenging efforts had caused the initial release of hazardous materials to the environment.

Prior to commencing Federal removal action, I had convened a Unified Command including the Oregon Department of Environmental Quality and the Washington Department of Ecology. The Unified Command had determined that the best course of action was cleaning of the vessel followed by disposal at sea. On 08 May 2009, the Commandant of the Coast Guard approved my request to destroy this vessel. I intend to dispose of the vessel by scuttling it in the vicinity of 46-20 N 125-26 W, 65 nautical miles west of Ilwaco, in 1080 fathoms of water.

This location was selected in consultation with the NOAA Scientific Support Coordinator and the National Marine Fisheries Service. Because this is not an emergency situation, I am required by 40 CFR 229.3 to obtain your concurrence prior to disposal. In previous correspondence with the Responsible Party, your staff has indicated that the vessel would need to meet the conditions of the EPA/MARAD *National Guidance: Best Management Practices for Preparing Vessels Intended to Create Artificial Reefs*. I understand that this Best Management Practice would require cleaning of all metal surfaces contaminated with paint at >50 ppm PCB by blasting to near-white metal condition. The National Pollution Funds Center commissioned an experienced salvage engineer to develop an Independent Government Estimate of disposal costs. He concluded that removal of paint to this standard would cost approximately \$8.3 million, and

there is no guarantee that it could be done in the Pacific Northwest. There are only a limited number of shipyards in this region with the physical capacity to handle a vessel of this size, and all are operating at capacity repairing US Government and Jones Act vessels.

The NOAA Scientific Support Coordinator has advised me that the total mass of PCBs aboard the vessel is 1.2 pounds, and given that they are bound in a paint matrix, have negligible solubility in deep cold water, have an extremely high coefficient of sorption to sediment, and there is no identifiable pathway from the proposed disposal site to any biological receptor impacting human health or the environment.

I am uncomfortable in committing such a large amount of Federal resources to paint removal under my FOSC authority. The majority of Coast Guard actions under OPA 90 and CERCLA are of an emergent nature, and involve a more direct, tangible link between an immediate threat to the marine environment and our response actions. Your agency has much more expertise in developing strategies to manage these sorts of very long-duration releases, where it is necessary to consider a complex web of physical and biological pathways and potential accumulation points.

Federal law, as reflected in 40 CFR 300.415(b)(5), requires that I terminate the initial phase of any CERCLA removal actions after 12 months and relinquish control to an EPA remediation project manager. In view of the complexity of this case, I have not yet closed out Coast Guard action. However, I cannot responsibly sustain our operations indefinitely. Therefore, IAW 40 CFR 229.3(a)(1), I request that EPA provide a final written concurrence or non-concurrence for ocean disposal of LST-1166, in its present condition, within 45 days.

If you cannot concur with the proposed ocean disposal of this vessel, I will terminate Coast Guard response actions IAW 40 CFR 300.415(b)(5) no later than 5 April 2010 and close our Federal Project Number and CERCLA Project Numbers as of that date. The site will not be patrolled after that point. If your concurrence is conditional upon blasting of the painted surfaces, I must advise you that I do not currently have the funding authority nor the technical expertise to manage a project of this type, and I will request the appointment of an EPA FOSC or remediation project manager to oversee it.

Large, derelict vessels of this type continue to pose special challenges for both EPA and the Coast Guard. Most were built decades ago as public vessels and their extraordinary durability means that they will not disappear from our waterways for years to come. Your Portland office has recently approached me regarding a joint project to identify and pursue the owners of derelict vessels before they reach the appalling condition of the LST-1166. I support this initiative and I look forward to working with your agency on a long-term solution.

Sincerely,



F. G. MYER
Captain, U. S. Coast Guard
Commander, Sector Portland
Federal On-Scene Coordinator for the Coastal Zone

USCG AM

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
USCG Sector Portland

6767 N. Basin Avenue
Portland, OR 97217-3992
Staff Symbol:
Phone: (503) 240-9337
Fax: (503) 240-9369
Email:

16000
25 Nov 2008

MEMORANDUM

From: 
F. G. Myer
CG Sector Portland

Reply to: IMD
Attn of: LT Shaun Edwards
503-240-2566

To: COMDT (CG-533)
Thru: (1) CGD THIRTEEN (d)
(2) PACAREA (prm)

Subj: REQUEST FOR CONTINUED REMOVAL ACTION AT THE EX-USS
WASHTENAW COUNTY (LST-1166) SITE, CITY OF RAINIER, COLUMBIA
COUNTY, OREGON

Ref: (a) Chapter 3, NPFC Users Reference Guide
(b) Commander, Sector Portland memo 16000 dated 06 October 2008 re: REQUEST
FOR DESTRUCTION OF THE EX-USS WASHTENAW COUNTY (LST-1166)

- I. PURPOSE: The purpose of this Action Memo is to request and document approval of the removal action for the Washtenaw County (LST-1166), referred to herein as the LST-1166. The project ceiling for this incident will exceed \$250,000.00. With this Action Memo, I am requesting a CERCLA ceiling of approximately \$5,331,880.00. This Action Memo is being submitted in accordance with CERCLA incident cost policy and procedures for the Coast Guard Federal On Scene Coordinator (FOSC) as outlined in reference (a).
- II. BACKGROUND: LST-1166 was built in 1953 as a tank landing ship for the United States Navy. The vessel is 2,590 tons, has a steel hull, and measures 384 feet in length and 55 feet of breadth. LST-1166 was converted into a minesweeper in 1973 for service in Vietnam and was ultimately decommissioned later that year. After being decommissioned the vessel was purchased and used by private entities (US and foreign) for various commercial purposes. In 1980 LST-1166 was towed to Astoria, Oregon because of mechanical trouble. Since that time the vessel has been inactive, changed ownership several times, and been moored both legally and illegally in a multitude of locations along the Columbia River. The current owner is the Washtenaw County - LST-1166, LLC, a nonprofit organization incorporated under the laws of Oregon for the purpose of developing the ship as a maritime museum. The Washtenaw County - LST-1166, LLC has only three members and has not been successful in their plan for the ship. On 07 September 2007, Sector Portland was notified by local law enforcement of an oil sheen coming from LST-1166. That same day Sector Portland personnel visited the vessel and found that it posed a substantial threat of discharge/release of oil and other hazardous substances into or on the navigable waters of the United States due to the large amount of oil and other hazardous substances on board and the deteriorated condition of the vessel. The proximate cause of the oil release was the stripping of nonferrous metals, including hydraulic lines, wire, and valves from the vessel by thieves. Sector Portland immediately contacted Mr. Walt James, a member of Washtenaw County - LST-1166, LLC, and has subsequently taken the following actions. To date, neither the owner nor the Certificate of Financial Responsibility (COFR) Guarantor has adequately complied, or in any way indicated that they will adequately comply in the future, with any of the three Administrative Orders or the COTP Order issued to

Subj: REQUEST FOR CONTINUED REMOVAL ACTION
AT THE EX-USS WASHTENAW COUNTY (LST-1166)
SITE, CITY OF RAINER, COLUMBIA COUNTY, OREGON

16000

25 Nov 2008

the vessel owners. In fact, the COFR Guarantor cancelled the COFR as of 07 February, 2008 and refuses to conduct a clean-up of LST-1166 absent limitations on liability that the Coast Guard cannot grant. The Washtenaw County - LST-1166, LLC, is for all intents and purposes, defunct.

A. Site Description:

(1) CERCLA Project Number: C0158
RCRA Site ID # ORQ000027762

(2) *Physical Location*- The LST-1166 is illegally moored on the Oregon side of the Columbia River, a navigable waterway of the U.S., behind Lord Island, West of the city of Rainer, Oregon at river mile marker 63. The LST's approximate coordinates are: 46 07' 18" N 123 00' 51" W. The vessel can only be accessed via watercraft.

(3) *Site Characteristics*- The site has been used for oily waste dumping and criminal methamphetamine activity. The vessel is in a remote location; however, it is a highly used public fishing area and adjacent to a public access beach. The owner of the vessel is a private, non-profit organization operating under the name of Washtenaw County- LST-1166, LLC. This is the first removal at the site. The following table provides additional vessel particulars:

Hull	All welded steel
Length	384 ft
Beam	55 ft
Gross tonnage	2,590 tons
Drafts	Forward- 3' 5" Aft- 9' 10"

(4) *Release or threatened release into the environment of a hazardous substance or pollutant*- The vessel contains asbestos, PCBs and lead paint. PCBs were present in liquid form in hydraulic fluid and in other oils aboard the vessel, and in some cases these liquids spilled onto the decks. Initially, this was believed to be the sole source of PCBs aboard the vessel, and I anticipated that removal of liquid PCBs followed by decontamination IAW 40 CFR Subpart G would be sufficient. However, hexane swipe samples of painted surfaces conducted after initial surface cleanup continued to show elevated PCB levels. As a control, swipe sampling was then conducted on upper portions of bulkheads that had not been exposed to liquid spills. These samples also showed the presence of PCBs. Further investigation showed that the PCBs did not originate from spills but were integral to the paint itself, and that the hexane was causing PCBs to migrate from lower (older) paint layers to the surface. The PCB levels range from <0.5 ppm to 5120 ppm and were determined using the EPA method 8082 (encl. 1). Lead levels in the paint

Subj: REQUEST FOR CONTINUED REMOVAL ACTION
AT THE EX-USS WASHTENAW COUNTY (LST-1166)
SITE, CITY OF RAINER, COLUMBIA COUNTY, OREGON

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ranged from 3.42 ppm to 8200 ppm and were determined by using the EPA method 7000 series (encl. 2). The estimated amounts of hazardous substances and pollutants on-board the vessel are:

- a) Asbestos- 120 cubic yards
- b) PCB contaminated lead paint- 500,000 sq ft
- c) PCB contaminated oil- 5,125 gallons
- d) PCB contaminated solids- 11.4 cubic yards
- e) PCB contaminated wiring- total amount not yet determined.

(5) *NPL Status*- the site is not currently listed on the NPL and has not received a Hazard Ranking. The site has not been referred for a site assessment program investigation.

(6) *Maps, Pictures and other graphic representations*- refer to enclosures (3-7).

B. Other Actions to Date:

(1) Due to the inadequate response by the responsible party, the site was federalized and removal actions initiated by the US Coast Guard, Captain of the Port Portland on 11 July 2008. Contractors were hired for the removal of hazardous materials and pollutants on the vessel with operations ongoing. A salvor was hired to assess the integrity and stability of the hull and to repair damage due to the theft of the sea chest valves. A security company has also been hired to prevent further vandalism, dumping and illegal activities while the response is on-going.

(2) The current amount expended to date from the Oil Spill Liability Trust Fund is \$2,076,316.00 and the current amount obligated to date from the CERCLA fund is \$210,200.00.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT AND STATUTORY AND REGULATORY AUTHORITIES:

A. *Threats to Public Health or Welfare*- Release of hazardous substances will likely impact personnel inside vessel without donning proper PPE. The hazardous materials that have been identified on-board the vessel are asbestos, lead paint and high levels of polychlorinated biphenyls (PCBs).

B. *Threats to the Environment*- Release of the above mentioned hazardous materials will likely impact the environment. Also on-board the vessel are unknown quantities of oils and petroleum products. Much of the oil and paint on the vessel have tested positive for high levels of PCBs. Flaking paint is being released into the marine environment.

IV. ENDANGERMENT DETERMINATION: Actual or threatened releases of hazardous substances from this site, if not addressed by continuing removal actions selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health or welfare and/or the environment.

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AT THE EX-USS WASHTENAW COUNTY (LST-1166)
SITE, CITY OF RAINER, COLUMBIA COUNTY, OREGON

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V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions:

(1) Asbestos- all friable asbestos has been removed and all remaining asbestos material has been encapsulated with a polymer. The asbestos that is removed will be disposed of at an approved TSCA waste site in Arlington, OR.

(2) Lead/PCB paint- IAW 40 CFR 761.79(b) All PCB-contaminated lead paint will be removed from the interior and exterior of the vessel and the steel will be cleaned via sand-blasting or ultra-high pressure water-jet blasting until it meets a visual condition equivalent to National Association of Corrosion Engineers/Steel Structures Protection Council Standard SSPC-SP-10, Near-White Metal Blast Cleaning. PCB-contaminated blasting grit and sludge will be disposed of at a permitted TSCA waste facility. Any lead-painted surfaces found to be free of PCBs will be air-blasted with low pressure air or scraped with power tools to remove flaking material.

(3) Per Reference (b), I have requested authorization to destroy the vessel, and I have also requested a permit to dump the vessel offshore IAW 40 CFR 229.3. If this permission is granted, the cleaned vessel will be towed to sea and dumped at a location selected in coordination with the NOAA Scientific Support Coordinator. This site will be in water greater than 100 fathoms depth and more than 12 nautical miles offshore. I will establish a safety zone for the duration of this operation.

B. Estimated CERCLA Costs for cleaning and sinking at sea the LST-1166:

(1) Contract costs

a) Paint removal (incl. labor)	\$4,420,000.00
b) Furniture removal/disposal	\$ 200,000.00
c) Consulting & Air Sampling	\$ 25,000.00
d) Disposal of removed paint	\$ 189,880.00
e) Towing vessel to sea	\$ 97,000.00
f) Sinking (Prep + Explosives)	\$ 100,000.00

(2) CG/PRFA costs \$ 200,000.00

(3) Contingency \$ 100,000.00

Total Estimated Removal Costs \$5,331,880.00

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN: Due to past history of the vessel being a dumping platform for oily waste and a site for criminal methamphetamine activity, the site will continue to pose a threat to the public welfare and the environment if proposed actions are delayed or not completed. PCB contamination into the waterway will continue during the deterioration of painted surfaces.

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AT THE EX-USS WASHTENAW COUNTY (LST-1166)
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VII. OUTSTANDING POLICY ISSUES: None

VIII. ENFORCEMENT: Three administrative orders and two Captain of the Port Orders have been issued to the vessel/owner. The RP and COFR Guarantor have been unwilling to take the action necessary to remove the hazards currently present of the vessel.

IX. RECOMMENDATION: This decision document represents the selected removal action for the LST-1166 site in the COTP Portland zone. Conditions at the site meet the NCP section 300.415 (b)(3) criteria for removal. I recommend approval of the proposed removal action. The total ceiling project if approved will be \$6,786,880.00 million. Of this, an estimated \$2,286,880.00 million comes from the Coast Guard's multi-incident CERCLA IAG.

#

Enclosure: 1. Analytic results of PCB levels
2. Analytic results of lead paint levels
3. Chart of LST-1166 moored location
4. Photos: Aerial view of LST-1166 and work barges
5. Photos: Aerial view of LST-1166 and work barges
6. Photos: Flood space on 4th deck and foam filled space
7. Photos: LST-1166 prior to clean-up

Copy: NPFC



Chris Field/R10/USEPA/US
10/21/2008 09:20 AM

To Anthony Barber, Dan Heister,
cc Michael Szerlog/R10/USEPA/US, Clifford
Villa/R10/USEPA/US, Calvin Terada,
bcc

Subject USCG CERCLA project ... LST 1166, Portland

Tony and Dan H,

Regarding the LST 1166 project on the Columbia River, the USCG has set up a meeting for this Friday at 1pm. They expect EPA, DEQ and WDOE to attend the meeting. According to Lt Edwards, they hope to determine the path forward during that meeting. Tony is available and plans to attend. DanH voice mail suggests he may be back in the office on 10/24 and also able to attend.

Here's my take on the current situation:

The Coast Guard is quickly approaching the \$250K CERCLA funding threshold, at which point they will either need to do a decision document requesting additional funding up to \$2M from the National Pollution Funds Center, or attempt to hand off the cleanup to another agency if it is not complete. One option on the table for the Friday meeting is to call the ship "stabilized" and hand it off to EPA for further "Remedial" action.

As we've experienced on a number of recent sites in the Coast Guard zone, the Coast Guard seems to have a different interpretation of **Section 300.120** of the NCP. That section says that "the USCG will provide the OSC for the removal of releases of hazardous substances, pollutants or contaminants into or threatening the coastal zone". It goes on to say that the EPA will provide the RPM for federally funded remedial actions, even in the coastal zone, if it is on the NPL. The vessel is clearly in the coastal zone. Since it is unlikely it would ever be placed on the NPL, I believe it remains in CG jurisdiction. I plan to put this jurisdictional issue on the next RRT agenda when both Captains of the Port and the District Captain are in attendance.

This large, former -Navy vessel, contaminated with PCBs and asbestos (among other things) is a very costly and complicated matter. The Coast Guard's goal of getting it clean enough to scuttle in the ocean by this Fall is not likely to happen. Consequently I think they are looking for the exit. They have assisted us on a number of occasions in the inland zone and I would like us to determine whether it makes sense for us to partner with them in some way, to address this problem. However a complete hand off to EPA is a different matter. If that is their intent, and we differ in our interpretation of the NCP in that regard, we'll want to be cautious.

For Friday's meeting:

- If they ask for our assistance in their jurisdiction, I think we are open to that, but need to clearly define the scope of that assistance.
- If they say it is now stabilized and therefore in EPA jurisdiction, we'll need to debate that NCP interpretation (Cliff Villa is cc'd on this)
- If they ask us to completely take over the Removal in their jurisdiction, we'll need to know more about the estimated scope and cost of the job. We also should have some criteria for when we are willing to do that because there are a number of similar cases in R-10 that they could attempt to send our way.

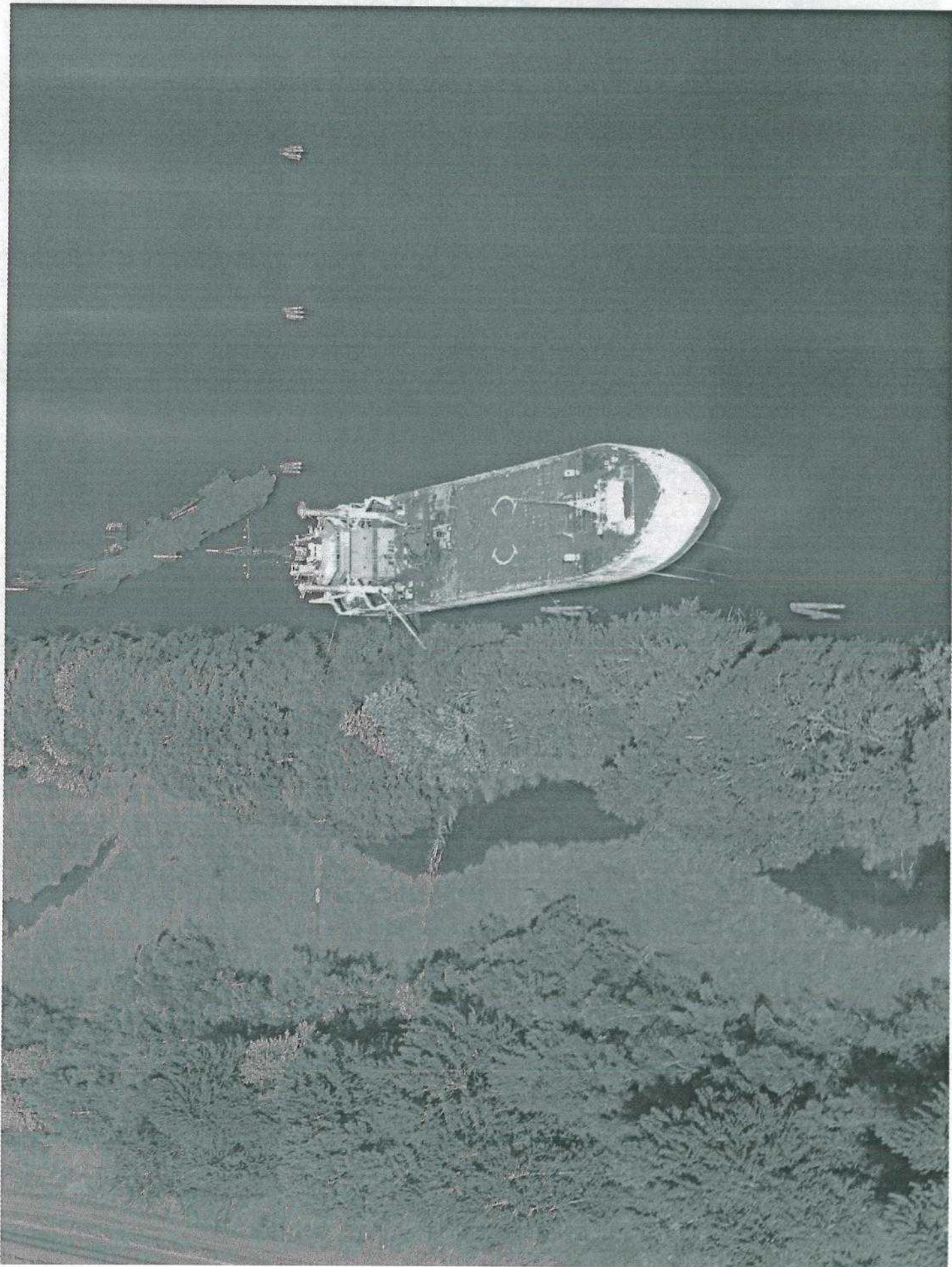
If it makes sense for Tony, Dan H and I to have a phone call before the Friday meeting, I'm available early Friday.

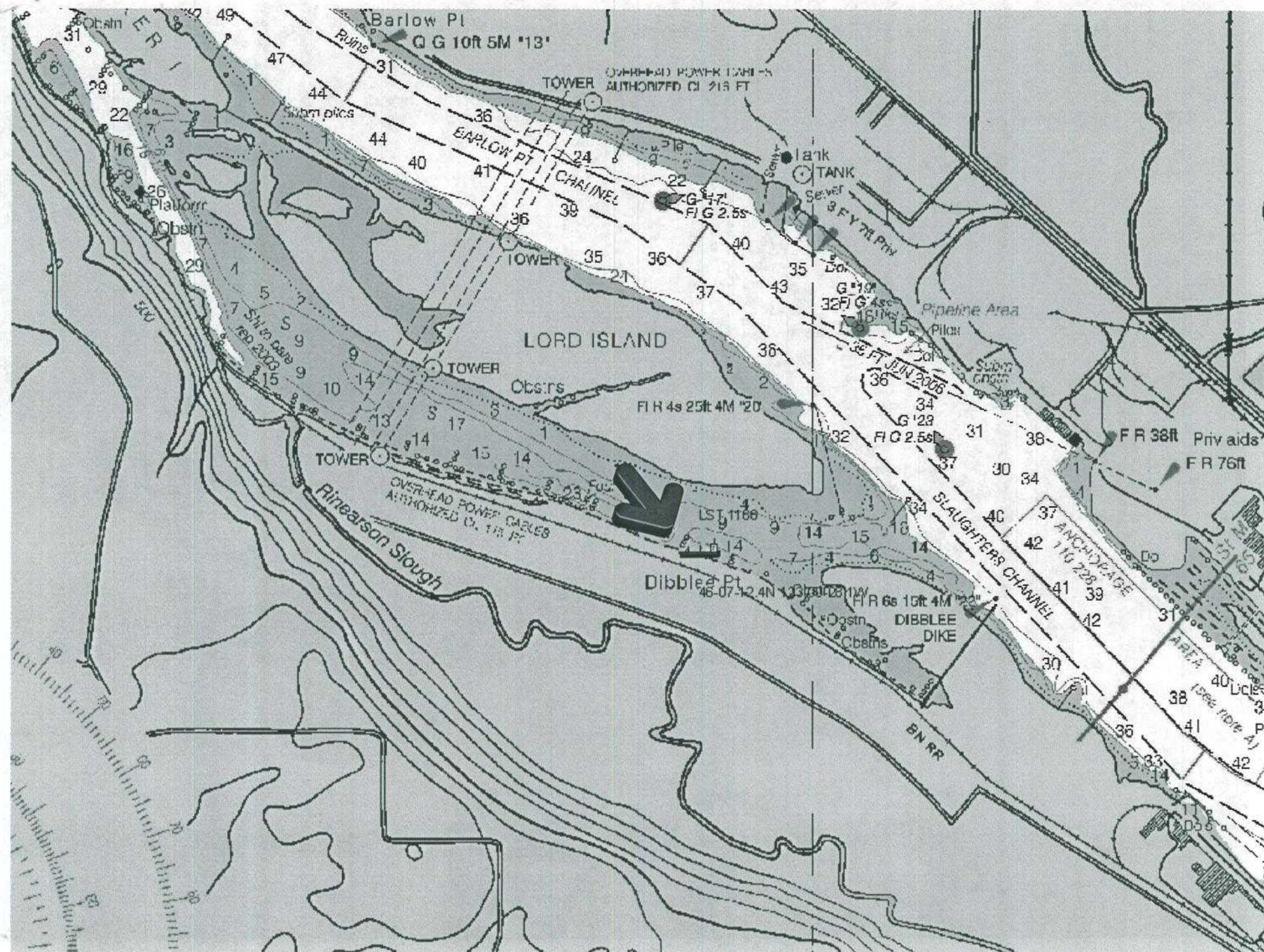
Thanks,
Chris.



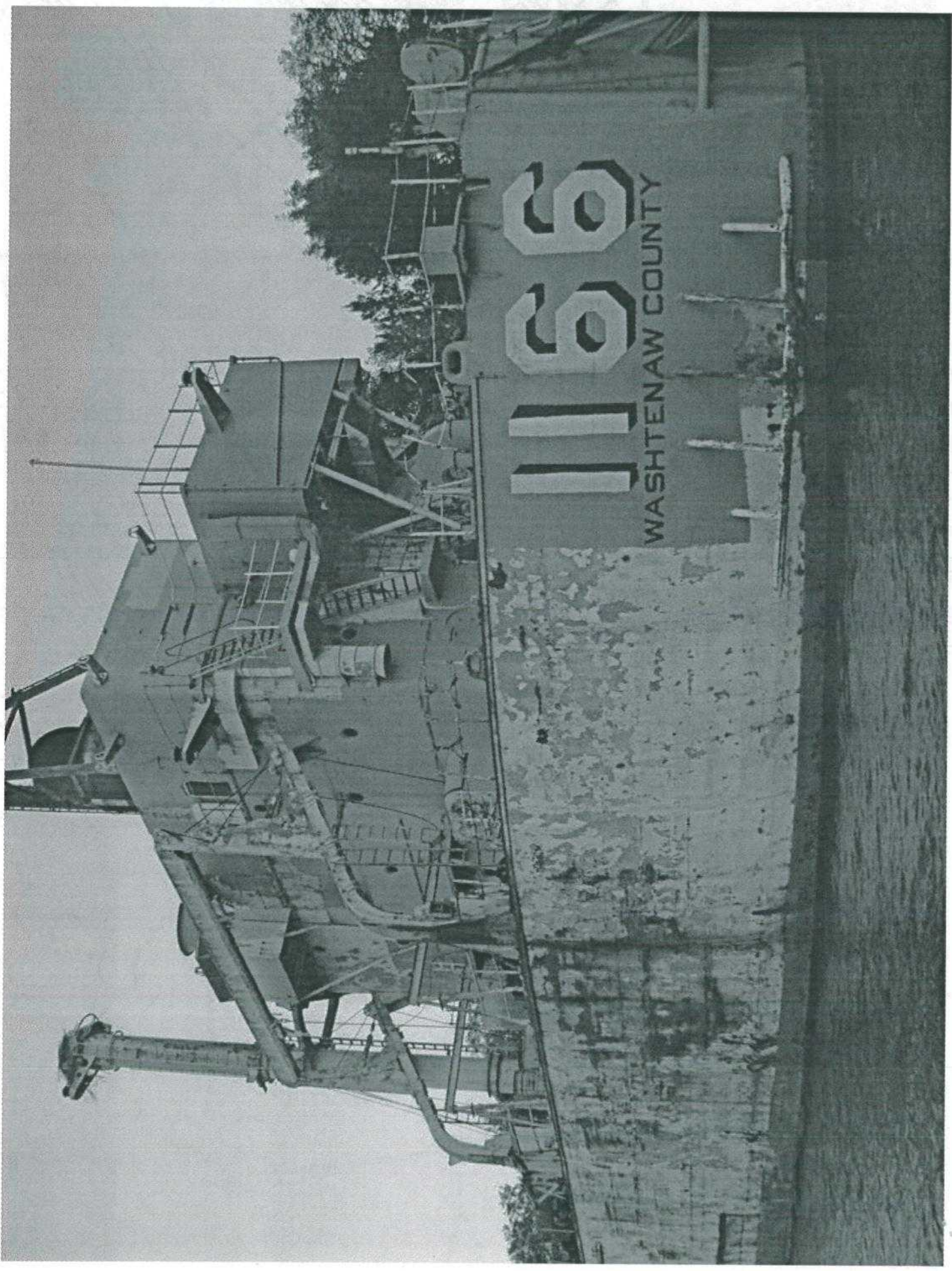
LST-1166

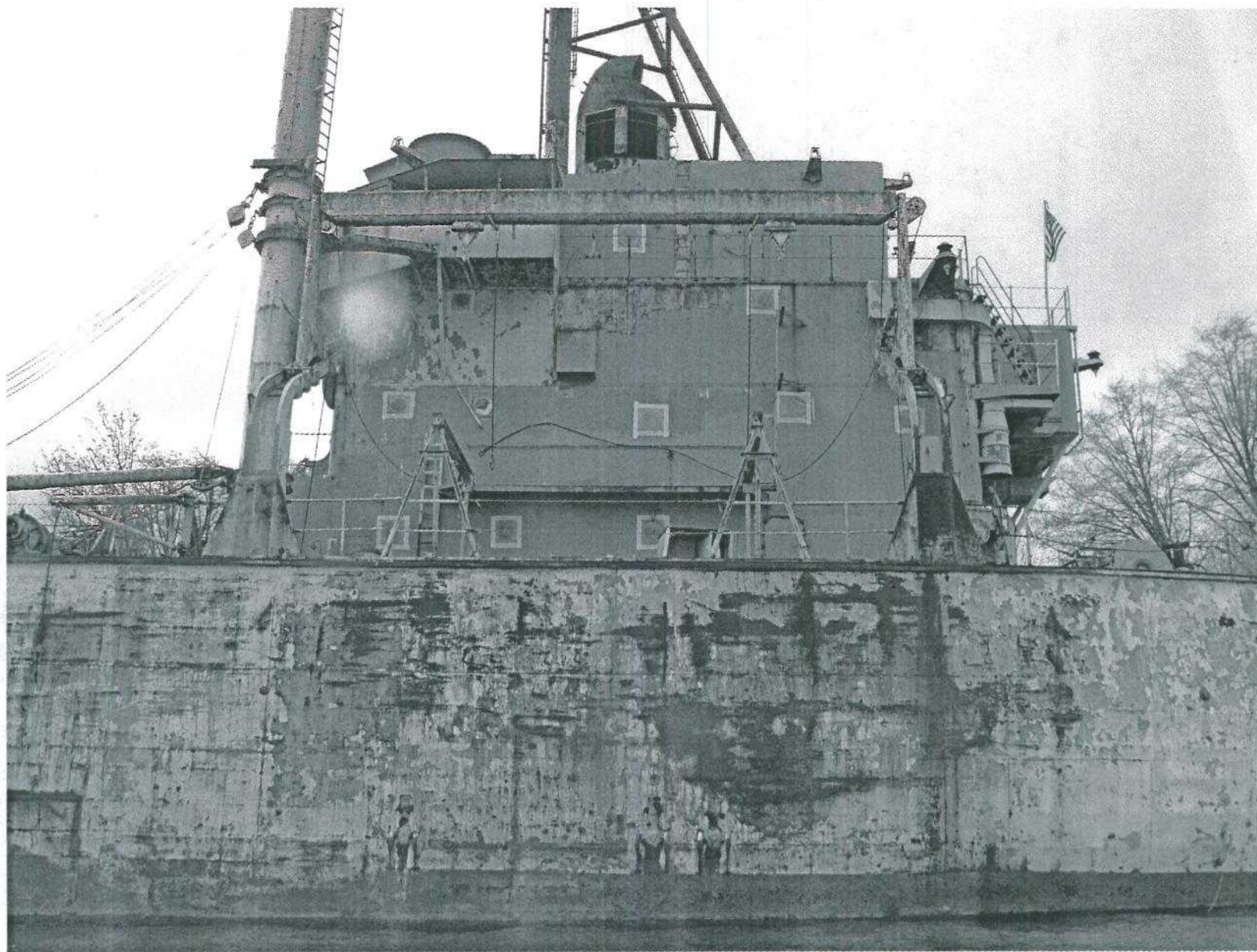
RA Briefing 9/10/2010





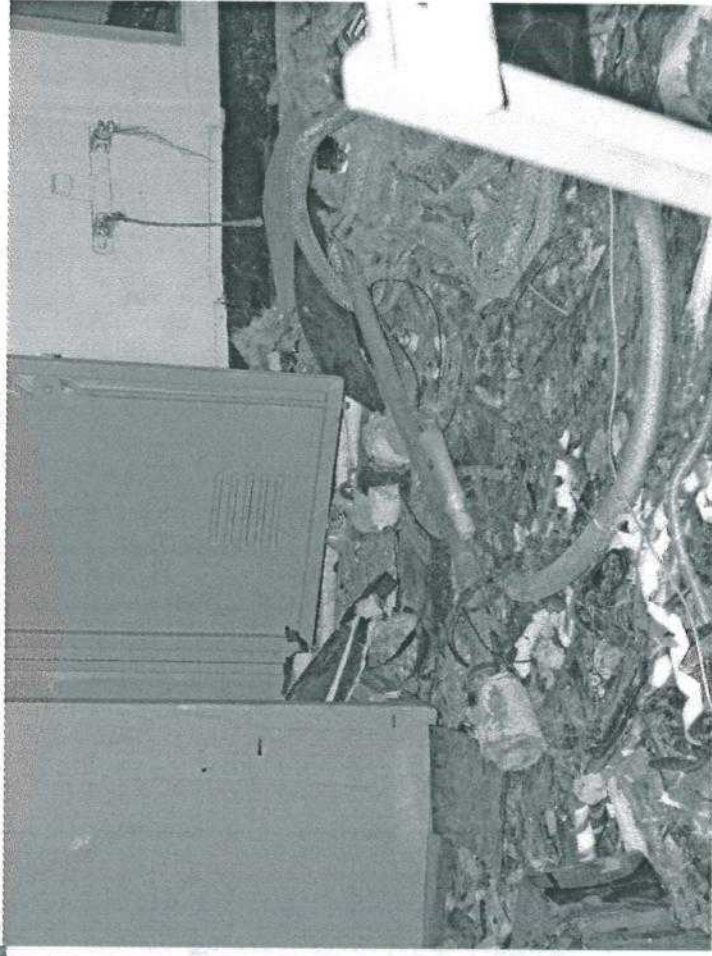
1166 WASHTENAW COUNTY





View of exterior hull at aft bridge (3/10)

Debris removed by USCG

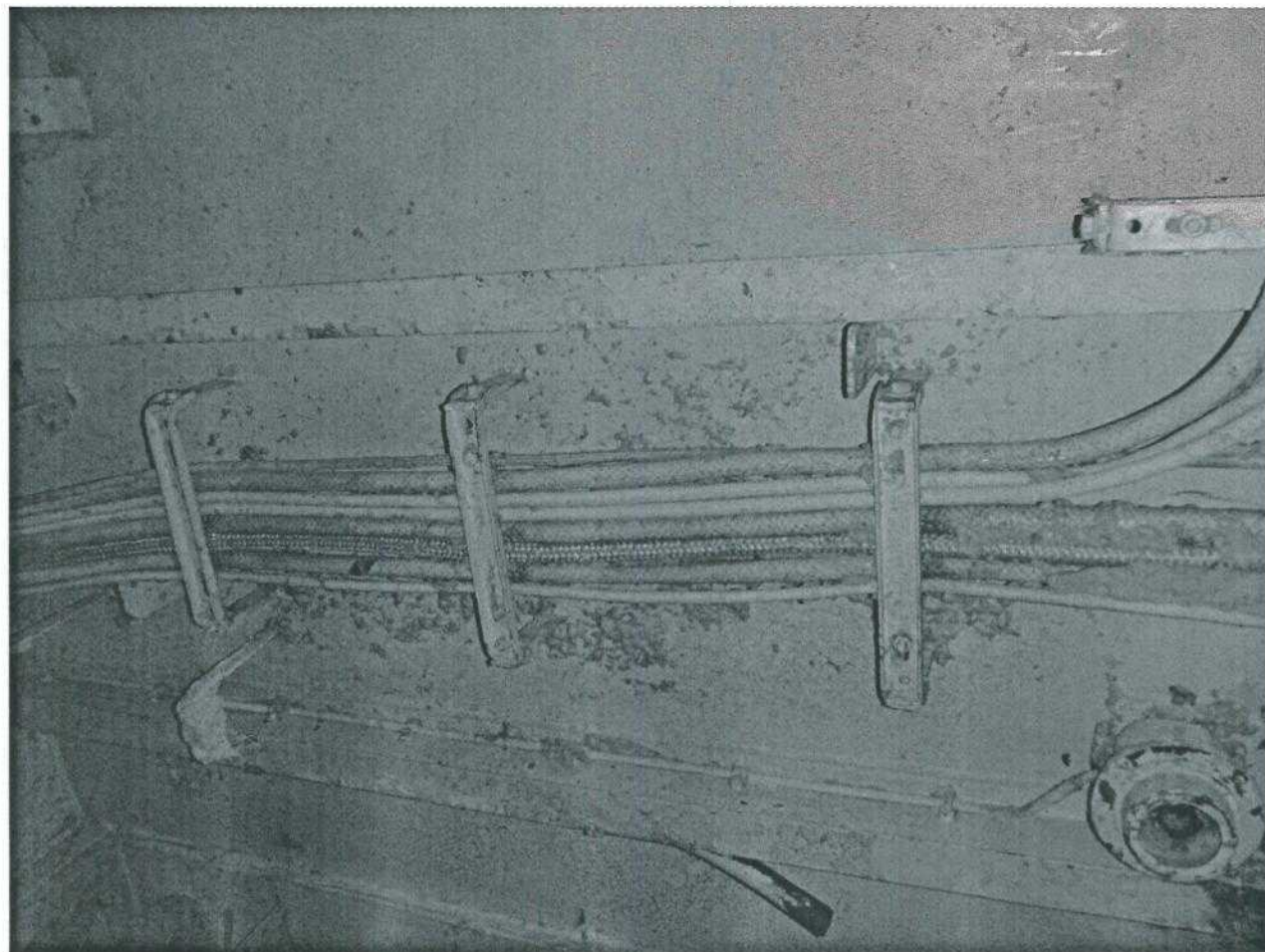




Peeling Ceiling Paint on Interior Deck



More Peeling Paint



Interior Wiring